

REMARKS

In the Office Action, claims 2, 3, 10, 12-14, 16, 17, 21, 22 and 24 are allowed.¹

Moreover, claims 35-36, 39, 40, 48, 49, 52 and 53 are rejected under the doctrine of non-statutory double patenting based on claims 1-6 of U.S. Patent No. 6,111,555 (hereinafter “the ‘555 patent”).²

While Applicants traverse the rejections, Applicants submit a Terminal Disclaimer to facilitate allowance of the present application, thereby obviating the double patenting rejections. Accordingly, Applicants respectfully request that the double patenting rejections be withdrawn.

Finally, Applicants note that the Office Action indicates at page 1 (i.e., item 1 of the PTOL-326 Form) that it is responsive to a communication filed on November 19, 2004. Applicants respectfully submit that they are not aware of any paper having been filed on November 19, 2004 in this application and it is understood that the Examiner instead meant to refer to the communications filed by Applicants on June 18, 2004. Applicants respectfully request clarification in the next Office Communication if Applicants’ understanding is incorrect in this regard.

¹. Applicants note that the indication of allowable subject matter at page 3 of the Office Action is not consistent with the indication at page 1 of the Office Action (i.e., item 5 of the PTOL-326 Form). It appears that the indication on the PTOL-326 Form is correct because it includes claim 23, which is not otherwise rejected in the Office Action. However, Applicants request clarification by the Examiner in the next Office Communication if this understanding is incorrect.

². Applicants note that the indication of rejected claims at page 2 of the Office Action is not consistent with the indication at page 1 of the Office Action (i.e., item 6 of the PTOL-326 Form). It appears that neither of these is correct because neither are consistent with the allowed claims indication. Accordingly, it appears that claims 26-27, 31-33, 35-36, 39-40, 42-46, 48-49, 52 and 53 were meant to be rejected. However, Applicants request clarification by the Examiner in the next Office Communication if this understanding is incorrect.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite the prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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Dated: March 21, 2005

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